THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.22009 OF 2005

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Dt: 07.10.2005

Between:

Ajmeera Raghavulu

.. Petitioner

AND

The Government of Andhra Pradesh, rep.by

Secretary, Tribal Welfare, Secretariat Buildings,

Hyderabad and others.

.. Respondents

ORDER:

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The petitioner assails the order in LTR Case No.2 of 2004/CHG, dated 03.11.2004, on the file of the 3rd respondent, as confirmed by the 2nd respondent in C.M.A.No.24 of 2005/CHG. The said proceedings arose under the A.P.(SA) Land Transfer Rules 1969. The petitioner submits that he is a tribal and the question of his being evicted from the land in possession does not arise. Another contention advanced by the petitioner is that the title of a tribal cannot be determined by respondents 2 and 3.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

Learned counsel for the petitioner has urged several contentions, mostly on

questions of law, to the effect that the very initiation of proceedings against the petitioner was untenable. This Court would have dealt with the same but for the fact that the petitioner had an effective alternative remedy by way of revision to the 1st respondent. The question as to whether the proceedings could have been initiated against the petitioner, can also be determined by the 1st respondent. The interests of the petitioner can be protected by suspending the operation of the order of eviction against him, pending disposal of the revision.

Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of revision. The order passed by the respondents 3 and 2 in L.T.R.Case No.2/04/CHG and
C.M.A.No.24/05/CHG, respectively, referred to above, shall remain suspended, till the disposal of revision. It is, however, made clear that this order would be in force, if only the petitioner presents the revision within four weeks from today. There shall be no order as to costs.

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L.NARASIMHA REDDY,J

Date:07.10.2005

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